

ORIGINAL

UNITED STATES DISTRICT COURT

Def
clm

EASTERN

District of

NEW YORK.

UNITED STATES OF AMERICA

V.

CRAIG GERNETT

JUDGMENT IN A CRIMINAL CASE

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

Case Number:

CR-04-929(S)(FB)

USM Number:

63309-053

Justine Harris, Esq., 16 Court Street, Brooklyn, NY 11241

BROOKLYN OFFICE

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) ONE THRU FIFTEEN OF THE SUPERSEDING INFORMATION.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense</u>	<u>Count</u>
T. 18 U.S.C. 2113	BANK ROBBERY		1(S) to 4(S)
T. 18 U.S.C. 1951	ROBBERY		5(S) to 15(S)

The defendant is sentenced as provided in pages 2 _____ of this judgment. The sentence is imposed under the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

☐ Count(s) UNDERLYING INDICTMENT ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

JUNE 21, 2006

Date of Imposition of Judgment

Signature of Judge

DATED 7/27/06
ROBERT C. HEINEMANN

BY WA CLERK

HONORABLE FREDERIC BLOCK
Name and Title of Judge

Date

7/27/06.

DEFENDANT: CRAIG GERNETT
CASE NUMBER: CR-04-929(S)(FB)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

ONE HUNDRED AND TEN (110) MONTHS ON COUNTS ONE THRU FIFTEEN OF THE SUPERSEDING INFORMATION. THE SENTENCE IMPOSED ON EACH COUNT SHALL RUN CONCURRENTLY TO EACH OTHER FOR A TOTAL OF ONE HUNDRED AND TEN (110) MONTHS.

☐ The court makes the following recommendations to the Bureau of Prisons:
THAT THE DEFENDANT BE PLACED IN THE 500 HOUR DRUG TREATMENT PROGRAM.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at _____ ☐ a.m. ☐ p.m. on _____
☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: CRAIG GERNETT
CASE NUMBER: CR-04-929(S)(FB)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

THREE (3) YEARS ON COUNTS ONE THRU FIFTEEN OF THE SUPERSEDING INFORMATION. THE TERM IMPOSED ON EACH COUNT SHALL RUN CONCURRENTLY TO EACH OTHER FOR A TOTAL OF THREE (3) YEARS.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- 0 The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: CRAIG GERNETT
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ADDITIONAL SUPERVISED RELEASE TERMS

THE DEFENDANT SHALL MAKE FULL FINANCIAL DISCLOSURES TO THE PROBATION DEPARTMENT;

THE DEFENDANT SHALL PARTICIPATE IN A MENTAL HEALTH TREATMENT PROGRAM AS DIRECTED BY THE PROBATION DEPARTMENT.

THE DEFENDANT SHALL COMPLY WITH THE RESTITUTION ORDERED IN THIS JUDGMENT.

THE DEFENDANT SHALL PARTICIPATE IN A DRUG TREATMENT PROGRAM AS DIRECTED BY THE PROBATION DEPARTMENT, BE IT EITHER OUT- PATIENT OR RESIDENTIAL. THE DEFENDANT SHALL CONTRIBUTE TO THE COST OF THE SERVICES RENDERED VIA CO-PAYMENT OR FULL PAYMENT IN AN AMOUNT TO BE DETERMINED BY THE PROBATION DEPARTMENT, BASED UPON THE DEFENDANT'S ABILITY TO PAY AND/ OR THE AVAILABILITY OF THIRD PARTY PAYMENT. THE DEFENDANT SHALL ABSTAIN FROM ALL ILLEGAL SUBSTANCES.

DEFENDANT: CRAIG GERNETT
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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 1,500.00	\$ 00.00	\$ 9,056.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(l), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
M&T BANK 2644 ATLANTIC AVENUE BROOKLYN, NY	\$400.00	\$400.00	
WASHINGTON MUTUAL BANK 1240 LIBERTY AVE. BROOKLYN, NY	\$3,300.00	\$3,300.00	
ASTORIA BANK 363 HEMPSTEAD AVE. MALVERNE, NY	\$616.00	\$616.00	
STUART'S PHARMACY 681 BROADWAY MASSAPEQUA, NY	\$500.00	\$500.00	
7-ELEVEN 1271 GRAND AVENUE BALDWIN, NY	\$250.00	\$250.00	
TOTALS	\$ <u>5066</u>	\$ <u>5066</u>	

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☒ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
CVS PHARMACY 460 ROUTE 27A WEST ISLIP, NY	\$437.00	\$437.00	
7 ELEVEN SMITHTOWN BLVD. LAKE RONKONKOMA, NY	\$948.00	\$948.00	
WALGREENS 1580 ROUTE 112 MEDFORD, NY	\$550.00	\$550.00	
CVS PHARMACY 1565 MIDDLE COUNTY ROAD MEDFORD, NY	\$522.00	\$522.00	
WALGREENS 655 MIDDLE COUNTY ROAD SELDEN, NY	\$1,000.00	\$1,000.00	
7-ELEVEN 944 PORTION ROAD RONKONKOMA, NY	\$533.00	\$533.00	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ _____ due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☒ Payment in equal QUARTLEY (e.g., weekly, monthly, quarterly) installments of \$ 10.00 over a period of 11 MONTHS (e.g., months or years), to commence 30 (e.g., 30 or 60 days) after the date of this judgment; or
- D ☒ Payment in equal MONTHLY (e.g., weekly, monthly, quarterly) installments of \$ 25% NET over a period of 3 YEARS (e.g., months or years), to commence 30 (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- RESTITUTION IS ORDERED IN THE TOTAL SUM OF \$9,056.00 RESTITUTION SHALL BE PAID AT THE RATE OF \$10.00 MONTHLY WHILE THE DEFENDANT IS INCARCERATED. PAYMENTS SHALL COMMENCE 30 DAYS FROM THE DATE OF THIS JUDGMENT. WHEN RELEASE PAYMENTS SHALL BE 25% OF THE DEFENDANTS NET MONTHLY INCOME, AND PAYMENTS SHALL COMMENCE 30 DAYS FROM THE DATE HE IS RELEASE FROM INCARCERATION. PAYMENTS SHALL BE MADE TO THE CLERK OF THE COURT WHO SHALL PERIODICALLY REMIT SUCH MONIES PROPORTIONALLY TO THE FOLLOWING VICTIMS:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.